

CITY OF HAYWARD AGENDA REPORT

Meeting Date 10/21/04
Agenda Item 1

TO: Planning Commission

FROM: Arlynn J. Camire, AICP, Associate Planner

SUBJECT: **Text Amendment Application No. PL-2004 - 0331-Dharam Salwan (Applicant):** Request to Amend the Central City-Commercial Subdistrict Administrative Uses within the Zoning Ordinance to Permit Animal Hospitals.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the text amendment is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines; and
2. Deny the proposed text amendment, subject to the attached findings.

BACKGROUND

Downtown Hayward is a diverse, transit oriented neighborhood with housing, shopping, services, restaurants, entertainment, and cultural and civic activities. The uses that are permitted in the Central City-Commercial Subdistrict are a mix of transit- and pedestrian-oriented businesses and that promote street activity and enhance the economic vitality of the downtown area as well as serve downtown residents, employees and customers.

DISCUSSION

The applicant, Dr. Dahram Salwan, proposed an amendment to the Zoning Ordinance to allow animal hospitals as a permitted use within the Central-City Commercial Subdistrict. The purpose of the Central City-Commercial (CC-C) Subdistrict is to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential uses. The uses that are permitted in the downtown are to serve and encourage pedestrian-oriented activity. An animal hospital would not promote pedestrian activity. It would be a destination use generating vehicle trips with patrons driving pets to the facility, and not necessarily with any positive spill over effect to surrounding businesses.

The General Plan's (Chapter 2, Land Use Policies and Strategies, Downtown Area) land use strategy is to "*Recognize the importance of continuous retail frontage to pedestrian shopping areas by discouraging unwarranted intrusion of other uses that weaken the attractiveness of retail areas.*" In staff's opinion, an animal hospital is not conducive to pedestrian shopping,

would not contribute to the economic vitality of the downtown. Furthermore, there are other zoning districts in Hayward where animal hospitals can better serve residential areas.

ENVIRONMENTAL REVIEW:

The application request is statutorily exempt from the California Environmental Quality Act per Guidelines Section 15270(a), Projects Which Are Disapproved.


PUBLIC NOTICE:

On July 15, 2004, a Referral Notice of the proposed text amendment was sent to the Chamber of Commerce and the Downtown Hayward Business Improvements Advisory Board.

On October 1, 2004, a Notice of Public Hearing for the Planning Commission meeting was published in the local newspaper, The Daily Review. Staff did not receive any public response.


If the Planning Commission is inclined to recommend approval of animal hospitals in the Central City-Commercial Subdistrict, then staff should be directed to prepare the appropriate environmental documents and findings for approval.

Prepared by:



Arlynn J. Camire, AICP
Associate Planner

Recommended by:



Dyana Anderly, AICP
Planning Manager

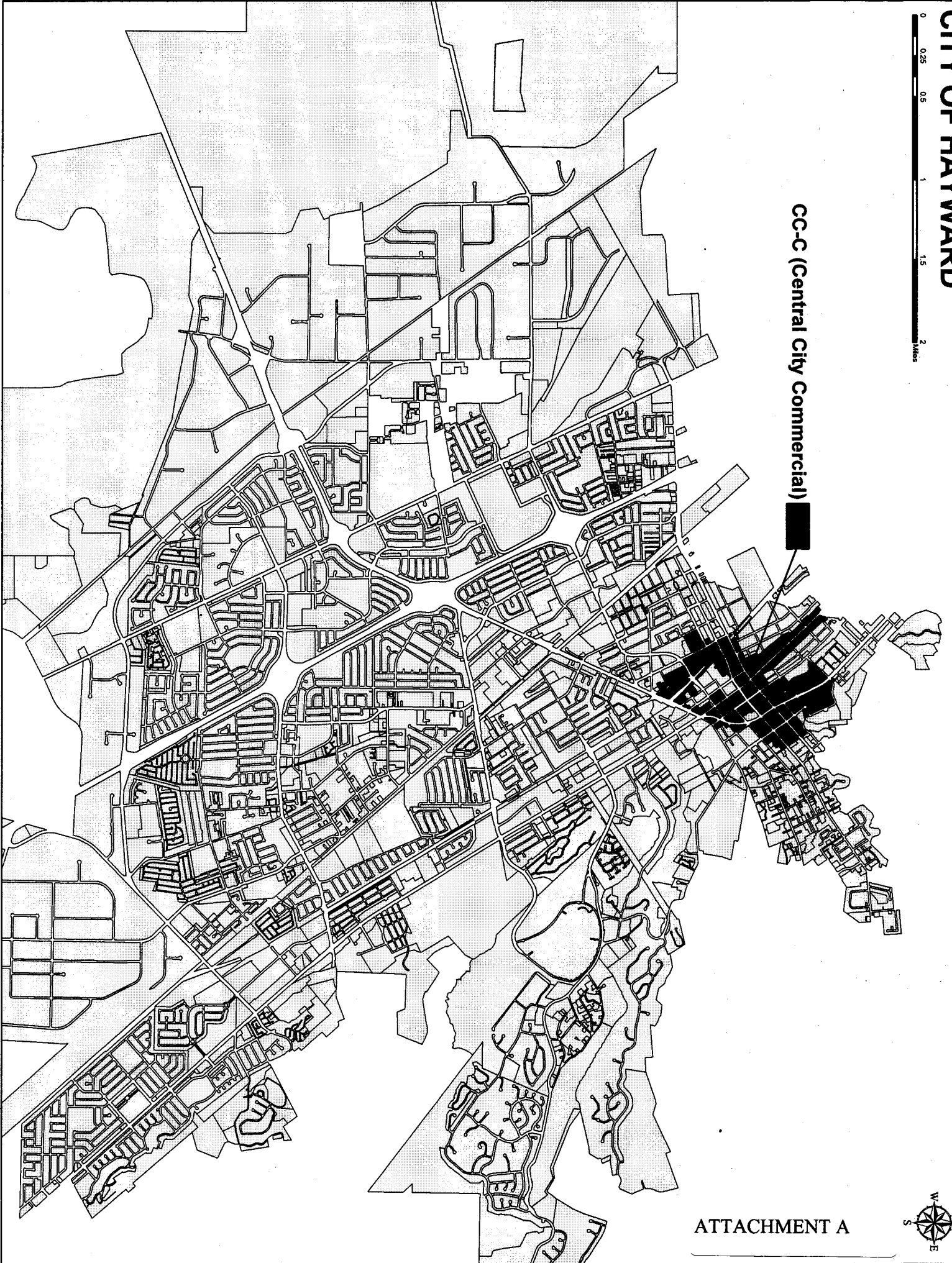
Attachments:

- A. Zoning Map
- B. Text Amendment Findings for Denial

CITY OF HAYWARD

0 0.25 0.5 1 1.5 2 Miles

CC-C (Central City Commercial)



ATTACHMENT A

FINDINGS FOR DENIAL
TEXT AMENDMENT APPLICATION NO. PL-2004-0331
Dharam Salwan (Applicant)

- A. Denial of Text Amendment Application No. 2004-0331 is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15270(a); Projects Which are Disapproved.
- B. The proposed change would not promote the public health, safety, convenience, and general welfare of the residents of Hayward in that an animal hospital is a use that does not promote economic vitality of the downtown.
- C. The proposed text amendment is not in conformance with all applicable, officially adopted policies and plans in that the General Plan emphasizes uses in the downtown that are pedestrian friendly. Uses that do not encourage pedestrian traffic weaken the attractiveness of the retail area.
- D. That allowing animal hospitals in the Central City-Commercial Subdistrict will not be compatible with present and potential future uses in the Central City-Commercial Subdistrict and, further, would not have a beneficial economic effect since the use is not compatible with pedestrian oriented retail development.